

# **APPENDIX**

**Subject:** Fwd: Text Messages I received  
**Date:** Wednesday, July 15, 2020 at 12:58:30 PM Eastern Daylight Time  
**From:** Allan Graham  
**To:** Kate Parsons  
**Attachments:** Q1.PNG, Q2.PNG

Sergeant Allan W. Graham, Jr.

Natick Police Department  
20 East Central Street  
Natick MA 01760

Phone 508-647-9500  
E-mail [graham@natickpolice.com](mailto:graham@natickpolice.com)

### Forwarded Conversation

**Subject:** Text Messages I received

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From: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>  
Date: Sat, Jun 27, 2020 at 5:38 AM  
To: James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>

Chief Hicks,

Good morning,

I am sorry but this has been bothering me since Wednesday. I attached two text messages I received that morning that infuriated me. I spoke with Lt. Rossi about my concern and disgust for this department. We are watching on every news channel the public cry to abolish the police and defund the police. I believe our department's response is a "Community Services Division". What people really want is for us to be transparent and get rid of bad police officers.

I was informed you were unaware of what happened over the Patriots Day weekend.

Patriots Day weekend 2020, Acting Sergeant Quilty took his shift out drinking behind the Cobbler Shop on West Central Street. My officer ran into them and said they were about a .20. [REDACTED] arrived and handed out water because they were drunk. Acting Sergeant Quilty put his hand down [REDACTED] pants. The cowards on the shift suddenly left the scene driving off in their drunken state. A few days later a Shift 1 officer apologized to [REDACTED] for their inaction and said they were embarrassed for leaving her there.

[REDACTED] pleaded for Tracy not to say anything. I encouraged her through Tracy to report it to HR. I even made myself available to take the report. Since this incident Quilty periodically sends her text messages. I told Tracy I do not promise confidentiality and even said when the Town sends out the annual sexual harassment policy, I will check off that I am aware of an incident. I did what I was supposed to and reported upwards.

I was informed that Lt. Rossi was going to investigate the incident. I do not think that was a wise choice considering her long-time boyfriend's sister is married to Acting Sergeant Quilty's brother.

I received a text from Tracy Rourke she said [REDACTED] now alleges witness intimidation or obstruction of justice. I reported and read these messages to Lt. Rossi within fifteen minutes of receiving them.

Thursday I heard from another individual [REDACTED] confined in and reported that to Lt. Rossi at approximate 1500 hours yesterday.

I have a lot to share since information doesn't seem to make it to you or it is overly filtered. I went as far as making two appointments through Mrs. Watkins to speak with you about my concerns, however, I was told you were too busy (phone conferences).

I wrote an e-mail to you on February 17, 2020 regarding the Patriot's Day weekend of 2018. On March 3, 2020, you and your Command Staff had an interview with Sgt. Howard about the open Lieutenant's position and to explain the Imperial China incident. Sgt. Howard LIED to you and your Command Staff reporting, he thought it was a "Mental Health Crisis". It was explained to me as "a reasonable explanation". In my opinion it was a poor cover up for his lie. As a Police Chief who signs off on a LTC I am sure you would appreciate having knowledge of any individual especially a police officer with a LTC exhibiting assaultive behavior or a "mental health crisis" in public view.

On March 4, 2020 at 0934 hours, I had a conversation with Officer Punch who reported the FBI agent was specific when he reported Boudreau to the Natick police department because Dispatcher Bermingham immediately began texting Officer Punch asking if he is with Boudreau. She texted they were getting complaints that he was intoxicated and out of control. He also told me when Sgt. Howard contacted him saying something to the effect of, you need to get there before Framingham does because if they find him drunk behind the wheel they will do what they have to do. Howard's instruction to Officer Punch was clear it was alcohol related. The mental health crisis lie was not mentioned as a concern.

This is the same supervisor who allowed Michael Mabardy to continue his reign of harassment on his wife. There were clearly three or more incidents of harassment. When I took the action of a mandated arrest for a protective order violation Sgt. Howard not only allowed his shift to berate me, he even carried on the false narrative that I made a false arrest. Sgt. Howard even approached Lt. Rossi and said I did not need to arrest Mike Mabardy. Either Chad Howard is ignorant about domestic violence laws or he is easily influenced by his shift's mob mentality.

The Town of Natick spent tens of thousands of dollars paying Boudreau's administrative leave salary, replacement overtime and attorney fees to draft a last chance agreement letter. Boudreau would have been fired on solid ground if Sergeant Howard did not violate his oath.

Thanks to Sgt. Howard's inactions we will probably see the return of Michael Mabardy and Kyle Boudreau.

I always wanted what is best for this department and always available to talk.

Thank you,

Sergeant Allan W. Graham, Jr.

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20 East Central Street  
Natick MA 01760

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E-mail [graham@natickpolice.com](mailto:graham@natickpolice.com)

-----  
From: Chief James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>  
Date: Sat, Jun 27, 2020 at 12:01 PM  
To: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>

Sergeant Graham,

It appears that you are in possession of a lot more information that has come to me. As a Supervisor you can also report to commence an investigation by filing a Supervisor's First report. You are alleging several issues that included possible conduct unbecoming and other serious issues. To date I have heard through rumors with nothing concrete. If you feel strongly that actions of officers/staff of this department violates our policy or code of conduct you should file and then I will have an investigation commenced that way we can have everyone on record.

--

James G. Hicks

Chief of Police

Natick Police Department

20 East Central Street

Natick, MA 01760-4631

508-647-9511

508-647-9509 Fax

FBI LEEDS #59

Past President Massachusetts Chiefs of Police 2013

President Middlesex County Chiefs of Police

Massachusetts IACP SACOP Representative

Vice Chairman IACP State Association of Chiefs of Police

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From: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>  
Date: Sun, Jun 28, 2020 at 7:31 AM  
To: Allan Graham <[poccm12@msn.com](mailto:poccm12@msn.com)>



Sent from my iPhone

Begin forwarded message:

**From:** Chief James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>  
**Date:** June 27, 2020 at 12:01:10 PM EDT  
**To:** Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>  
**Subject:** Re: Text Messages I received

-----  
From: Chief James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>  
Date: Fri, Jul 3, 2020 at 10:20 AM  
To: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>

Sergeant Graham,

This investigation has been assigned to an outside firm. I did not see in your email or Supervisor's First Complaint the actual date of the incident. You also stated one of your officers came across them. I need to know that officer also.

On Sat, Jun 27, 2020 at 5:38 AM Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)> wrote:

--

James G. Hicks  
Chief of Police  
Natick Police Department  
20 East Central Street  
Natick, MA 01760-4631

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From: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>  
Date: Sat, Jul 4, 2020 at 9:09 AM  
To: Chief James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>

Good morning,

Date of Incident: Sunday April 19, 2020

I was informed of the incident Monday afternoon. Sometime over the week I asked Officer Punch if he heard anything about a Shift 1 drinking party. It was then he told me he ran into it with Officer Watkins walking over to his cruiser.

Sergeant Allan W. Graham, Jr.

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From: Allan Graham <[graham@natickpolice.com](mailto:graham@natickpolice.com)>  
Date: Wed, Jul 15, 2020 at 12:56 PM  
To: Kate Parsons <[kparsons@crevierandryan.com](mailto:kparsons@crevierandryan.com)>

Sergeant Allan W. Graham, Jr.

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James G. Hicks

Chief of Police

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Date: Sat, Jul 4, 2020 at 9:09 AM

To: Chief James Hicks <[hicks@natickpolice.com](mailto:hicks@natickpolice.com)>



9:10



TR

Tracy >

Today 9:02 AM

What a joke that place is Al I finally heard from [REDACTED] last night a complete and utter disgrace! I cannot blame her one bit for not reporting anything! Quilty the Sgt on duty happens to be the same day Lt decides to question her? So he has all day to coerce and make sure there stories are the same! Pathetic she said the whole thing was fucked up

Did quilty day something to her about It Rossi pending inquiry?

Well? Did Q say something to her at get their stories straight?

He said have them talked to



Text Message



APP008

9:10



TR

Tracy >

to question her. She had all day to coerce and make sure their stories are the same! Pathetic she said the whole thing was fucked up

Did Quilty say something to her about the Rossi pending inquiry?

Well? Did Q say something to her to get their stories straight?

He said have they talked to you yet? She said about what? He said the day we all went drinking, she said no, he said oh ok well it was just drinks and we all had

Im typing geez

Fun right? She just looked at him and he walked away



Text Message



APP009



Natick Police Department  
20 East. Central Street  
Natick, MA 01760  
(508) 647-9500

## Supervisor's First Report of Complaint

Date 6/29/20 Supervisor Receiving Report Sgt Graham  
 FIRST Complainant's Name: TRACY ROURKE (EMPLOYEE)  
 Address: \_\_\_\_\_  
 Phone: Home \_\_\_\_\_ Work \_\_\_\_\_  
 Name of Victim (if different) [REDACTED] (EMPLOYEE)  
 Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_  
 Summary of Complaint: On 4/22/20 at 1403 I received a series of text messages and call from Tracy Rourke. I was told over the Patriot's Day weekend Sgt Quilty and officers from Shift 1 went drinking after shift behind the Wilson Cobbler Shop. Tracy Rourke reported [REDACTED] told her Sgt Quilty put his hand down her pants. The shift 1 officers witnessed this action and abruptly left the area. A few days later I was informed Ofc Watkins approached the victim and apologized. I can attach a timeline if needed.

Relative to Incident # DATE OF INCIDENT: PATRIOT'S DAY WEEKEND?

Employee(s) Involved: Sgt Quilty, witnesses: Ofc Watkins (If Known)  
 First Complainant: Tracy Rourke

Check one that applies

- ☐ NPD Complaint Form completed and attached to this report.
- ☐ NPD Complaint Form given to complainant to be returned (date) \_\_\_\_\_.
- ☐ After explanation of police policy and tactics complainant is satisfied and wishes to withdraw the complaint. (Complainant must sign line below indicating acceptance).

Complainant satisfied with explanation: \_\_\_\_\_ (Date) \_\_\_\_\_





Natick Police Department  
20 East Central Street  
Natick, MA 01760  
(508) 647-9500

## Supervisor's First Report of Complaint

Date 6/29/20 Supervisor Receiving Report Sgt GRAHAM

Complainant's Name: Tracy Rourke (employee)

Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Name of Victim (if different) [REDACTED] (employee)

Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Summary of Complaint: Lt Rossi made arrangements to speak with alleged assault victim, [REDACTED] on Tues 6/23/20. I received a texted followed by phone conversation that Sgt Quilty prior to Lt Rossi's meeting asked [REDACTED], "Have they talked to you yet? She said about the day we all went drinking, she said no, he said oh, OK well it was just drinks and we all had fun right?" Text messages attached. ALLEGED: WITNESS INTIMIDATION / OBSTRUCTING A POLICE INVESTIGATION

Relative to Incident # Date of Incident: 6/23/20

Employee(s) Involved: Sgt Quilty,  
(If Known)

Check one that applies

☐ NPD Complaint Form completed and attached to this report.

☐ NPD Complaint Form given to complainant to be returned (date) \_\_\_\_\_.

☐ After explanation of police policy and tactics complainant is satisfied and wishes to withdraw the complaint. (Complainant must sign line below indicating acceptance).

Complainant satisfied with explanation: \_\_\_\_\_ (Date) \_\_\_\_\_



9:10



TR

Tracy >

Today 9:02 AM

What a joke that place is All finally heard from [REDACTED] last night a complete and utter disgrace! I cannot blame her one bit for not reporting anything! Quilty the Sgt on duty happens to be the same day Lt decides to question her? So he has all day to coerce and make sure there stories are the same! Pathetic she said the whole thing was fucked up

Did quilty day something to her about It Rossi pending inquiry?

Well? Did Q say something to her at get their stories straight?



Text Message



APP012

9:10



TR

Tracy >

to question her. She had all day to coerce and make sure their stories are the same! Pathetic she said the whole thing was fucked up

Did Quilty say something to her about the Rossi pending inquiry?

Well? Did Q say something to her to get their stories straight?

He said have they talked to you yet? She said about what? He said the day we all went drinking, she said no, he said oh ok well it was just drinks and we all had

Im typing geez

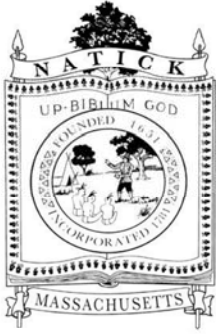
Fun right? She just looked at him and he walked away



Text Message



APP013



# ***Town of Natick***

## **Sexual Harassment Policy**

### **1 Introduction:**

**1.1** It is the goal of the Town of Natick to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other, settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Natick. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be condoned, and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

**1.2** Because the Town of Natick takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and inclusive of discharge.

**1.3** Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **2 Definition of Sexual Harassment:**

**2.1** In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

**2.1.1** Submission to or rejection of such advances, requests or conduct is



made-either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,

**2.1.2** Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile humiliating or sexually offensive work environment.

**2.2** Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

**2.3** The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

**2.4** While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

**2.4.1** Unwelcome sexual advances- whether they involve physical touching or not;

**2.4.2** Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

**2.4.3** Displaying sexually suggestive objects, pictures, cartoons;

**2.4.4** Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

**2.4.5** Inquiries into one's sexual experiences; and,

**2.4.6** Discussion of one's sexual activities.

**2.5** All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation



against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### **3 Complaints of Sexual Harassment:**

**3.1** If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

**3.2** If you would like to file a complaint, you may do so by contacting your Department Head, the Human Resources Coordinator (x 6469), the Director of Human Resources (x 6471), and/or the Town Administrator (x 6403). These individuals are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. All complaints of sexual harassment to Department Heads **MUST** be forwarded to the Director of Human Resources and/or Town Administrator for investigation.

### **4 Sexual Harassment Investigation:**

**4.1** When a complaint is received, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of our investigation.

**4.2** If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

### **5 Disciplinary Action:**

**5.1** If it is determined that inappropriate conduct has been committed by one of our employees, we will take such actions as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

## **6 State and Federal Remedies:**

**6.1** In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either, or both of the government agencies set forth below. Each of these agencies has a short period for filing a claim-300 days.

### **6.1.1 The United States Equal Employment Opportunity Commission**

**6.1.1.1** The phone number is 1-800-669-4000

**6.1.1.2** The address is:  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203

### **6.1.2 The Massachusetts Commission Against Discrimination**

**6.1.2.1** The phone number is 617-994-6000

**6.1.2.2** The address is:  
1 Ashburton Place, Suite 601  
Boston, MA 02108

## **7 Roles and Responsibilities:**

**7.1** All Natick Municipal employees are responsible for understanding and adhering to this policy.

**7.2** Managers are responsible for ensuring that all employees are advised of and understand the terms of this policy and for ensuring employees' compliance with this policy.

## **8 Questions:**

**8.1** If you have any questions regarding this policy, please contact the Director of Human Resources at 508-647-6471.

**8.2** For more information, please visit the Town of Natick's Human Resources website <http://natickma.gov/250/Human-Resources>

THE TOWN RESERVES THE RIGHT TO AMEND ANY OR ALL PARTS OF THIS  
POLICY AT ANY TIME.

Policy approved by Personnel Board and Town Administrator

Policy Effective Date: September 29, 2016

## SECTION I. RULES AND REGULATIONS

### A. DEFINITIONS

Department

The Police Department.

Chief

The Chief of Police.

Officer-in-Charge

A Commanding Officer of a shift.

Superior Officer

The officer of highest rank, the senior officer or the officer designated by proper authority as superior officer.

Senior Officer

A member in any given rank with the longest service in that rank.

Member

A duly appointed police officer in the Department.

Employee

A civilian employee of the Department.

Manual

The Police Manual of the Department.

Orders

Commands or instructions, oral or written, given by one member to a member of lesser rank.

Shift

A regular tour of duty, unless otherwise ordered by the Chief of Police.



## B. PROFESSIONAL RESPONSIBILITIES

Police officers are professionals, and as such are expected to maintain exceptionally high standards in the performance of their duties.

Effective and efficient performance of his duty requires that a police officer maintain the respect and cooperation of his community. This requirement dictates that the conduct of all police officers be above reproach in all matters both within and outside the Department.

General responsibilities include taking appropriate action to:

- a. protect life and property;
- b. preserve the peace;
- c. prevent crime;
- d. detect and arrest violators of the law;
- e. enforce all laws coming within departmental jurisdiction;
- f. supervise public functions (such as parades or dances) where public order requires police presence;
- g. respond to all public emergencies.

Conflict of Interest - Since the position of a police officer is a public trust, it is important to avoid all situation involving conflicts of interest whether in fact or only in appearance.

a. Gifts and Gratuities - Members and employees shall not under any circumstances solicit or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment, except as may be specifically authorized by the Chief. Members and employees must pay for all meals and beverages.

b. Unauthorized Transactions - Members and employees are prohibited from entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services is being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the Department, except as may be specifically authorized by the Chief.

c. Use of Official Position - An officer shall not use his official position, Department I.D. Card or Badge to gain privileges not otherwise available to him except in the performance of duty. His official position, Department I.D. Card or Badge shall never be used to avoid the consequences of illegal acts.

## C. THE DIRECTIVE SYSTEM

The directive system of the Department is designed to ensure that employees have a clear understanding of the expectations and constraints relating to performance in Departmental activities and duties.

There are five primary types of directives: General Orders, Special Orders, Personnel Orders, Memoranda, and Bulletins.

1. **Definitions.** The following terms and definitions are to be used as a part of the Department's order and directive system.

a. **General Order.** A notice of a new or amended policy, rule or procedure, signed by the Chief, that will eventually become part of the Department Manual. It remains in effect until further notice or until an insert in the Manual is issued for that subject. The intent of words such as "will," "must," "should," and "shall" in any General Order is to be directive and to mandate a particular action. Words such as "may," "can," and "normally" are less directive and imply a degree of choice.

b. **Special Order.** Short-term event or directive that has a definite expiration date; signed by the Chief or Division Commander.

c. **Personnel Order.** A notice announcing a personnel action; signed by the Chief or Division Commander.

d. **Memorandum.** An announcement of a happening, event, or information of use to Members; signed by the Chief or Division Commander; may have an expiration date. These will be titled Chief's Memo or other appropriate Division's Memo.

e. **Bulletin.** Information of use to Members. The titles of these Bulletins reflect the originating unit, such as Training Bulletin, Community Services Bulletin, Detective Bulletin, or Commendation Bulletin.

Rev. 3/90



## THE DIRECTIVE SYSTEM

f. Policy. A statement of the values of the Police Department; the objectives and beliefs upon which the application of discretion is based. Policy generally provides flexible guidelines while giving the employee the generally accepted departmental ways of acting and a framework within which to make decisions.

g. Procedures. Normally accepted step-by-step ways of doing a particular task and usually are used for training new employees or for introducing new or revised methods to all.

h. Rules and Regulations. Section I, Department Manual. The limits of discretion. A rule is absolute, and sets forth things or actions which must or must not be done. Regulations define, to some extent, the duties and responsibilities of the individuals. There is no justification for violating a rule.

i. Unlawful Orders. No member shall knowingly issue an order in violation of any law or any departmental regulation.

j. Unjust or Improper Orders. Lawful orders which appear to be unjust or improper shall be carried out. After carrying out the orders, the subordinate may file a written report to the Chief via the chain of command indicating the circumstances and the reasons for questioning the orders, along with his request for clarification of departmental policy.

k. Conflicting Orders. Should any order given by a superior officer conflict with any previous departmental order, the member to whom such order is given will call attention to the conflict. If the superior officer does not change his order to avoid such conflict his order will be obeyed, but the member obeying such order will not be held responsible for disobedience of the previous order. It should later be reported to the Chief in writing for clarification.

Rev. 3/90

## THE DIRECTIVE SYSTEM

2. Procedural Guidelines. The following procedural guidelines will be adhered to by all Members of the Natick Police Department.

- a. Every employee of the Natick Police Department will be provided with a copy of the Department Manual. Employees will keep their Manuals available and ready for periodic inspection.
- b. Employees are responsible for reading all material in the Manual. An employee will be held accountable for understanding all policies and following all rules and procedural guidelines in the Manual.
- c. New policies, rules and procedures will be issued through a **General Order**. Every employee will be provided with a copy of each General Order. General Orders will be read at roll calls for three (3) consecutive days.
- d. Employees will sign a record upon receipt of these Manual changes indicating their receipt of same.
- e. Any General Order initiated by the Chief of Police is to be considered in full force and effect.
- f. **General Orders** will be numbered sequentially, preceded by a two digit number indicating the year of issue (i.e. 89-123). General Orders shall be posted on a bulletin board in the guard room in a conspicuous place.
- g. **Special Orders** will be issued by the Chief or Division Commanders. They will be numbered sequentially, will be read at roll calls for three consecutive days, and will then be posted until their expiration date or 30 days, whichever is longer.

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## THE DIRECTIVE SYSTEM

**h. Personnel Orders** will be issued by the Chief or Division Commanders. They will be numbered sequentially, will be forwarded to the affected personnel, and will be posted in the guard room.

**i. Memoranda** will be issued by the Chief or Division Commanders. They will be numbered sequentially, will be read at roll calls for three consecutive days, and will then be posted in the guard room.

**j. Bulletins** will be numbered sequentially, will be mentioned at roll calls for three consecutive days, and posted in the guard room for a period of 30 days or until the expiration date.

**k.** Employees are responsible for checking the bulletin board to familiarize themselves with all directives. They are responsible for complying with each directive which has been issued whether or not it is read at roll call. This includes directives which may have been issued during their absence.

**l.** It shall be the Shift Commander/Supervisor's responsibility to deliver, as directed, all information contained in the above directives and to adhere to all instructions contained therein.

Rev. 3/90



#### D. GENERAL CONDUCT ON DUTY

In addition to the specific duties of each individual rank and assignment, as set forth in Section II of this Manual, the following provisions are applicable to all members of the Department.

##### 1. Required Conduct

- a. Reporting for Duty - Report for duty whenever so ordered by proper police authorities. Report for duty at the regularly appointed time and not absent himself from duty without leave. Be present at all roll calls properly uniformed, equipped and ready for inspection.
- b. Awareness of Activities - Upon returning to duty from any absence inform himself about all new orders, regulations, memoranda and all other important matters governing his assignment.
- c. Submitting Reports - Promptly and accurately complete and submit all reports and forms as required.
- d. Giving Identification - Give name, rank, position and badge number in a civil manner to any person who may inquire, except where the physical safety of a member of the Department is threatened, or when authorized not to do so by proper authority.
- e. Address and Telephone - An officer shall have a telephone in his residence or a phone number at which he can be reached and shall report any change of phone number or address to the Chief of Police.
- f. Truthfulness - An officer shall truthfully state the facts in all reports as well as when he appears before any judicial, departmental or other official investigation, hearing, trial or proceeding. He shall cooperate fully in all phases of such investigations, hearings, trials, and proceedings.
- g. Physical Fitness - Maintain good physical condition in accordance with a standard determined by the Chief.
- h. Communication - Transmit communications to other members of the Department when required.
- i. Civil Suits for Personal Injuries - Any claims for damage to clothing or other personal property belonging to a member or employee caused by the performance of duty shall be made in accordance with current departmental directives. Members

and employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Members or employees who have received municipal salaries for illness or for personal injuries sustained off duty shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury.

Notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the defendant. Keep the Chief informed of the status of the case and the final court determination.

This provision shall not apply to private insurance policies held by members or employees for which premiums are not paid for in part or in whole by the municipality.

j. Hours of Duty - The hours of regular service shall be specified by the Chief, but when occasion requires, officers are liable to be called into service at any time. The police are officers of the state and may be required to go into any part of the state to arrest criminals or for other duties.

k. Leaving the Town - Whenever a patrol officer is about to leave the town limits for reason of investigation, pursuit or any other reason, he shall notify the Shift Commander prior to leaving and again on his return. He shall also file a written report of all the facts surrounding the reason for going beyond the town limits, including the time of his absence.

l. Duty Outside the Town - Members of the Department will not be detailed to perform duty beyond the limits of the Town of Natick, except to assist the authorities of another city or town to suppress disorder or preserve the peace, under the direction of the Commanding Officer of such city or town involved. Members of the Department shall have the authority as a police officer within the limits of such city or town and shall have the same immunity and privileges as when acting within the Town of Natick.



## 2. Prohibited Conduct

The following acts by a member of the Department are prohibited or restricted:

- a. Criminal Conduct - Commission of any felony or misdemeanor.
- b. Conduct Unbecoming an Officer - Any type of conduct which reflects discredit upon the member as a police officer, or upon his fellow officers, or upon the police department he serves.
- c. Neglect of Duty - Being absent from assigned duty without leave or failing to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention.
- d. Insubordination - Failure or deliberate refusal to obey a lawful order issued by a superior officer.
- e. Unnecessary Force - The use of more physical force than that which is necessary to accomplish a proper police purpose.
- f. Discourtesy - Discourtesy, rudeness, or insolence to any member of the public. An officer shall be courteous to the public. He shall be tactful in the performance of his duties and shall control his temper, exercising the utmost patience and discretion, even in the face of extreme provocation.
- g. Intoxication - Intoxication when reporting for duty or while on duty, the use of liquor or the use of narcotics or other harmful drugs.
- h. Drinking on Duty - The consumption of alcohol while on duty unless authorized by proper police authorities.
- i. Change of Address - Changing one's place of residence or phone number without notifying the Chief of Police.
- j. Undue Influences - Seeking the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer or advancement.
- k. Recommending Private Services - Recommending or suggesting in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, bondsmen, undertakers, towing services or burglar alarm companies, except in the transaction of personal business.
- l. Personal Business - Conducting personal business while on duty. Use of departmental telephone for personal business is prohibited.

- m. Department Letterhead - Use of the departmental letterhead for private correspondence or sending official correspondence out of the Department without the permission of the Chief of Police.
- n. Mailing Address - Use of the Department as a mailing address for private purposes, especially for the purpose of a motor vehicle license or registration.
- o. Possessing Keys to Private Buildings - Having keys to private buildings or dwellings on a member's area of patrol without the permission of the Chief.
- p. Sleeping - Sleeping while on duty.
- q. Reading - Recreational reading while on duty, except during meals.
- r. Smoking - Conspicuous smoking while on duty.
- s. Notices - Altering, defacing or removing any posted notice of the Department. No notice shall be posted on the Department bulletin board without the permission of the Chief of Police or the Officer-in-Charge.
- t. Report of Loss or Damage - In the event that departmental property is lost or found bearing evidence of damage which has not been reported, the last person using the property shall be charged with failure to report and may be held responsible for damages.
- u. Dissemination of Information - An officer shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. An officer may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. An officer shall not divulge the identity of a person giving confidential information except as authorized by proper authority in the performance of police duties.
- v. Feigning Illness - An officer shall not feign illness or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.
- w. Press Relations - Releasing to the press or media information concerning departmental policy in the evidentiary aspects of any criminal investigation. Consult with the Chief of Police when in doubt.



x. Dealing with Local Officials - Members and employees are prohibited from the following activities without the permission of the Chief of Police or without a written directive issued by him:

- i) Communicating with any outside agency or individual regarding police information.
- ii) Divulging any information relating to police activities.
- iii) Disseminating information coming to their attention in the performance of their duties.

## E. UNIFORMS AND APPEARANCE

Members shall be neat appearing and well groomed while in uniform. All articles of clothing shall conform to the departmental uniform regulations. Civilian clothing shall not be worn with any distinguishable part of the uniform.

1. Wearing the Uniform - Uniforms shall be kept neat, clean, and well pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be worn out of doors unless otherwise directed by competent authority. The Chief shall periodically issue special orders pertaining to daily or seasonal wear.

2. Civilian Clothing - Male members and employees permitted to wear civilian clothing during a tour of duty, shall wear either a business suit or sports coat and slacks. A dress-style shirt with tie shall be worn. Commanding Officers may prescribe other types of clothing when necessary to meet particular police objectives. Unless otherwise directed, female members and employees permitted to wear civilian clothing shall conform to standards normally required of office personnel in private business firms.

3. Hair - Hair shall be neat, clean, trimmed, and present a groomed appearance. Hair will not touch the ears or the collar except the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no case will the bulk or length of the hair interfere with the proper wear of any authorized headgear. The acceptability of a member's hair style will be based upon the criteria in this paragraph and not upon the style in which he chooses to wear his hair.

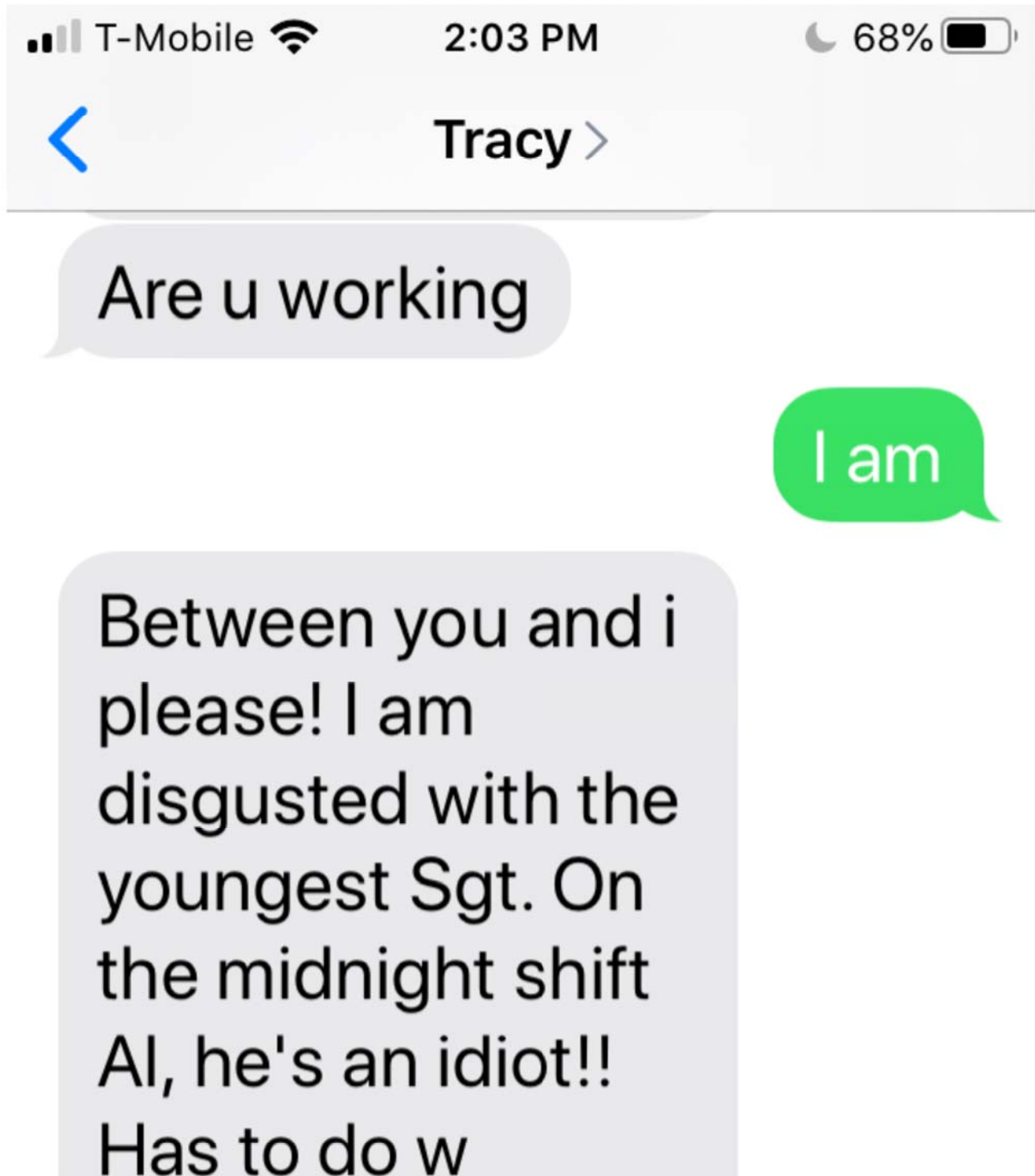
a. Sideburns - If an individual chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as his haircut. Sideburns will not extend below the lowest part of the exterior ear opening, will be even width (not flared), and will end with a clean-shaven horizontal line.

b. Mustaches - A short and neatly trimmed mustache may be worn, but shall not extend over the top of the upper lip or beyond the corners of the mouth.

c. Beards & Goatees - The face will be clean-shaven other than the wearing of the acceptable mustache or sideburns. Beards and goatees are prohibited, except that a Police Surgeon may grant a waiver for the wearing of a beard for medical reasons with the approval of the Police Chief. When a Surgeon prescribes that a member not shave, the beard will be kept trimmed symmetrically and all beard hairs will be kept trimmed so that they do not protrude more than one-half inch from the skin surface of the face.

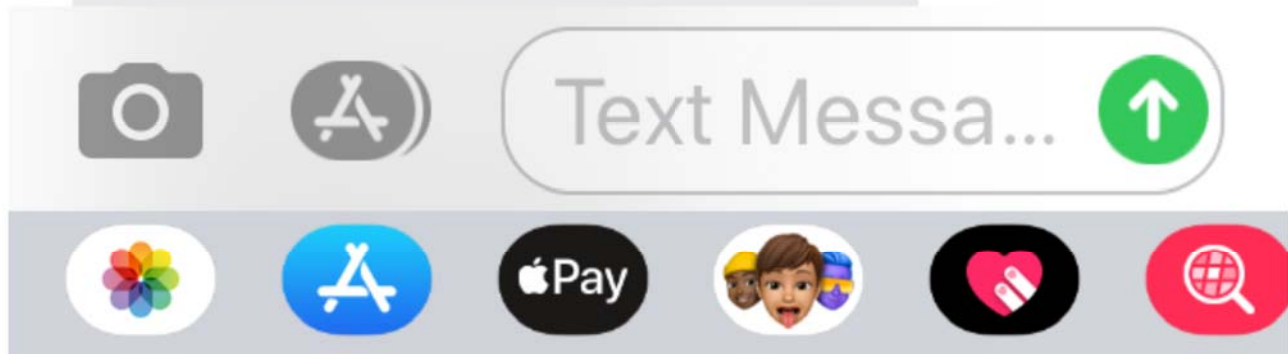
d. Wigs - Wigs or hair pieces will not be worn on duty in uniform except for cosmetic reasons to cover natural baldness or physical disfiguration. If under these conditions, a wig or hair piece is worn, it will conform to departmental standards.

**Subject:** April text messages  
**Date:** Thursday, July 9, 2020 at 10:38:21 AM Eastern Daylight Time  
**From:** Allan Graham  
**To:** Kate Parsons  
**Attachments:** IMG\_3214.PNG, IMG\_3215.PNG, IMG\_3216.PNG, IMG\_3217.PNG, IMG\_3218.PNG, IMG\_3219.PNG, IMG\_3220.PNG, IMG\_3221.PNG





[REDACTED] and a situation that occurred while the shift went out for



Signal strength bars, T-Mobile carrier name, Wi-Fi icon, 2:03 PM time, Moon icon, 67% battery level, and battery icon.



Tracy >

shift went out for drinks in a lot somewhere in Natick, I won't say anymore if it will put you in any

conflict there but it  
was a real asshole  
move on his part

Quilty?

Ofcourse

Did he hit on  
[REDACTED]

Text Messa... 



Apple Pay




T-Mobile



2:04 PM



67% 



Tracy >



He did

Like aggressively?

And she was put in  
a very awkward  
situation

How

Not warranted or  
wanted he's 50  
yrs old she's 27  
and has no interest



Text Messa...





Tracy >

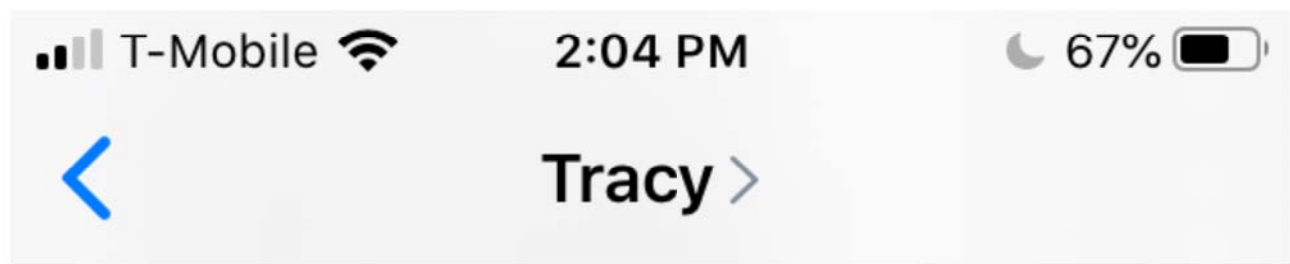
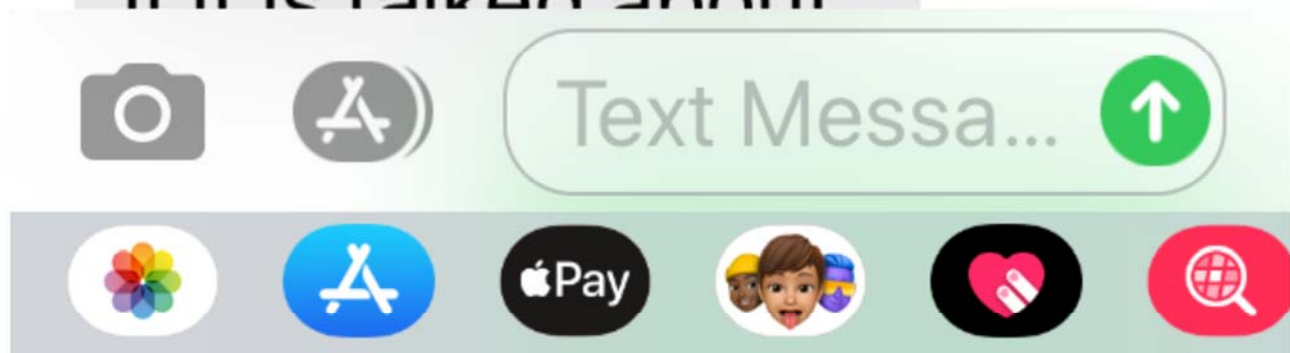
What happened

Was she upset

I won't get in to detail but I was on the phone w her for an hour yesterday and she was upset and pissed off, dies not want any involvement with the HR dept and



the receipt and  
will be very upset  
if it is talked about



if it is talked about,

Did he touch her

You know 10%  
down on that  
house is \$866  
mo? \$20k down

But he keeps  
texting her, and  
that night put his  
hand down her  
pants, she has  
been sexually  
abused in the past



Text Messa...



Signal strength bars, T-Mobile, Wi-Fi icon

2:04 PM

67% battery icon



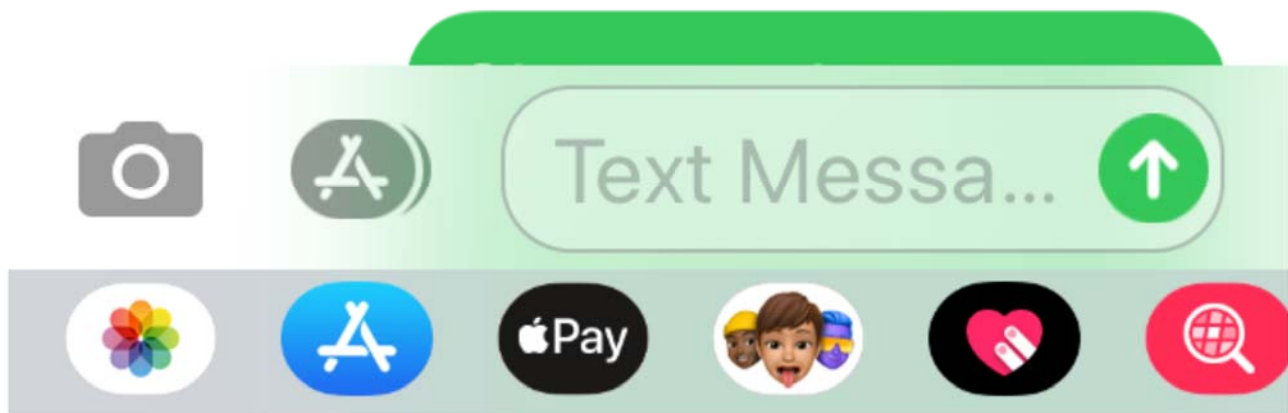
Tracy >

abused in the past  
and looked up to  
this frigging idiot!!  
Why I'll never

why I'll never  
know

She asked if it  
does not stop if I  
would say  
something and I  
said with pleasure  
I will

I'm looking at pic  
now it's really nice





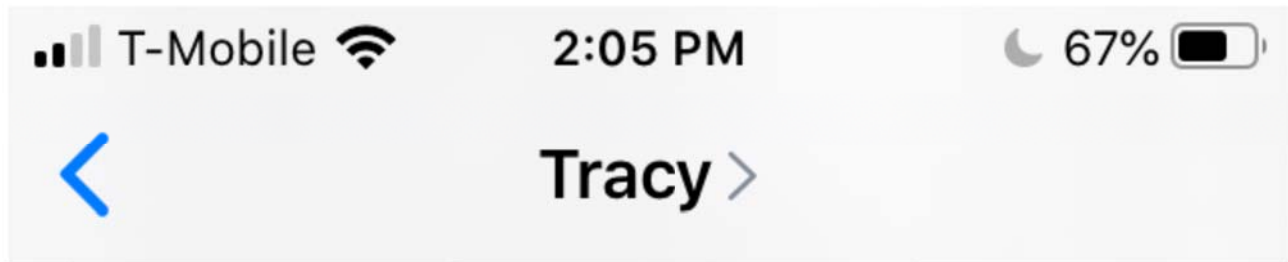
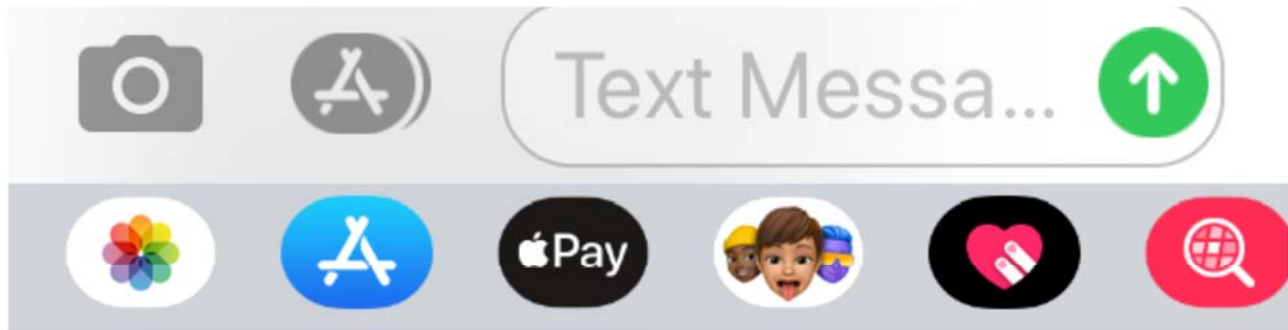
Tracy >

now it's really nice

She needs to report it! He is scheduled to be a sergeant. She's obligated to protect other females

She does not have the mental fortitude it would take to do that trust me, and. Can not afford to have



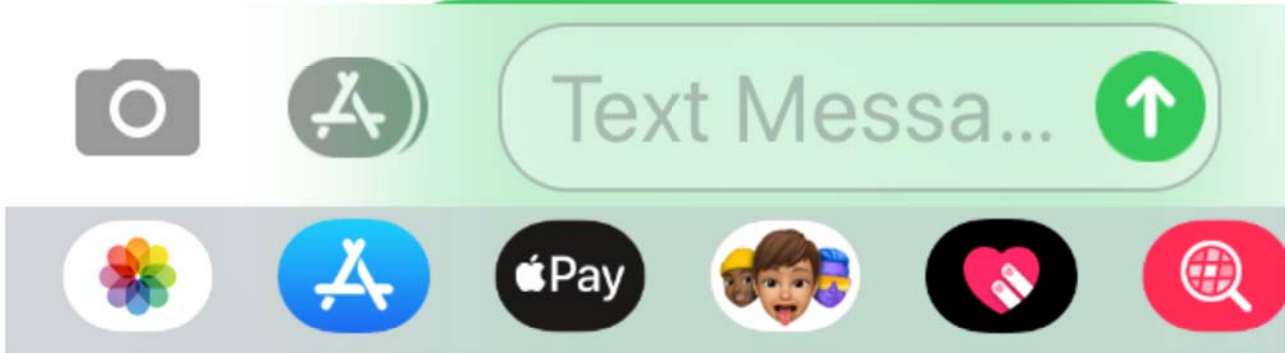


not afford to have  
anything go wrong  
w this job in her  
mind she has  
nithing else right  
now

I told her if the  
texting does not  
stop I will talk to  
him



I don't like this one  
bit! She needs to  
report it



Sent from my iPhone



...CONTINUED - [REDACTED], TALK

When	Who		Description
Apr 20	10:55 AM	IN	Incoming
	3:42 PM	OUT	to Framingham/I
Apr 21	8:23 AM	OUT	to Natick/MA
	1:32 PM	IN	Incoming
	2:54 PM	OUT	to Natick/MA
	3:04 PM	IN	Incoming
Apr 22	10:11 AM	OUT	to Natick/MA
Apr 24	11:56 AM	IN	Incoming
	6:39 PM	OUT	to Medway/MA
Apr 25	9:20 AM	IN	Incoming



Per Chief Hicks, I had a discussion with Dispatcher [REDACTED] regarding a rumor of inappropriate contact (hand to backside, hand down the back of her pants??? Not 100% clear) by Sergeant Quilty.

At 1534 hours, on 6/23/2020 I met with her in my office. I told her that it had come to the attention of the Chief and I that she may have been involved in an incident outside of work with a supervisor. I asked her if this was the case and she said no. She was very calm, and I explained that it was up to her to report or not and that I would personally make myself available at any time, even if I wasn't working, no matter if it was at night, a weekend, etc. I offered to have this discussion outside of the PD if that would make her more comfortable, as well. She shook her head "no" and said there was no incident. I reiterated that I was available and she smiled, thanked me and she asked if she could leave. I tried to ask her additional questions but she set her jaw and she started to look angry and upset with me. I told her that yes, she was free to leave. The meeting took approximately 4 minutes. She did not display any indications to me that she was concerned, upset, etc. about what allegedly took place but she definitely seemed upset that I had asked her questions. I admittedly do not know her well but I believe that she does not wish to disclose, IF something actually occurred.

Lt. Rossi



Natick Police Department

Memo Number 99-01

General Order

Date: 14 January 1999

## PROFESSIONAL STANDARDS

**TO: ALL DEPARTMENT MEMBERS & EMPLOYEES**

**PREFACE:** For purposes of this policy, references made to employees shall include sworn and non-sworn personnel.

### GENERAL CONSIDERATIONS AND GUIDELINES

A relationship of trust and confidence between the employees of this department and the citizens of the community is essential to the successful accomplishment of law enforcement objectives. All employees are expected to conduct themselves, whether on or off duty, in such a manner as to reflect favorably upon themselves and the department. The consistently high quality of this standard of conduct establishes and maintains the reputation of the department and encourages the support of the community for policy purposes and goals. The Professional Standards function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the department depends on the personal integrity and discipline of each employee. To a large degree, the public image of this department is determined by the quality of the Professional Standards Section (PSS) in responding to allegations of misconduct against the department or its employees.

A primary responsibility of the Professional Standards function is to respond to allegations of misconduct against the police department and its employees. The Professional Standards Section will be responsible for recording, registering, and controlling the investigation of complaints against employees; supervising and controlling the investigation of alleged misconduct within the department; and maintaining the confidentiality of Professional Standards investigations and records. The Professional Standards Section will ensure that the integrity of the department is maintained through an internal system where objectivity, fairness, and justice are assured by intensive and impartial investigation and review. The responsibility for supervising, conducting, coordinating, and maintaining the Professional Standards function of the department lies with the Officer-in-Charge of Professional Standards (OIC/PSS). All findings will be prepared in writing and presented to the Chief of Police with a recommendation for disposition. Since a Professional Standards Investigation involves allegations against an employee of the department, it is essential that the process not only be lawful, but confidential as well. This requires strict confidentiality and full adherence to procedure. The objectives of a Professional Standards Investigation are: protection of the public, protection of the employee, protection of the department, removal of unfit personnel, and correction of procedural problems.

All alleged or suspected violations of laws, ordinances, by-laws, department rules, regulations, policies, procedures, and orders (verbal or written) must be investigated according to the procedures outlined for each. These include: alleged violations reported to the department's superior officers by other employees of the department, either orally or in writing; alleged violations, observed or suspected by department superior officers; citizens' complaints of alleged police misconduct which are made in person, by letter, by telephone, or anonymously.

## **POLICY**

It is the policy of this department to investigate all complaints against employees of the department regardless of the source of such complaints through a regulated, fair, and impartial Professional Standards Program.

## **COMPLAINT PROCEDURE**

### *Complaint Report Form (NPD form 1050)*

A standard complaint report form will be used to record all complaints of misconduct, mistreatment and improper or unethical practices against police department employees, whether registered by a citizen, initiated from within the police department, or forwarded by another governmental agency.

The following information shall be included on the Complaint Report Form:

- Date and time of complaint report;
- Name, address, and telephone number of the complainant;
- Name, address and telephone numbers of any witnesses to the reported incident;
- Name, rank, and badge number (or description) of the employee against whom the complaint is made;
- Date, time, and location of the reported incident;
- Complainant's description of the incident which resulted in the complaint;
- Signature of complainant, if it can be obtained;
- Name, rank, and signature of supervisor receiving complaint report.

Every person making a complaint against a department employee shall receive a copy of his or her complaint to serve as receipt verifying that such complaint has been received.

When a complaint is made in person, the supervisor receiving the complaint will ensure that the complainant receives a copy of his or her complaint to serve as a written verification that the complaint has been received.

When a complaint is received over the telephone or through the mail, the Officer-in-Charge of Professional Standards Section shall ensure that the



complainant is sent a copy of his or her complaint to serve as a written verification that the complaint has been received.

## RECEIVING AND RECORDING COMPLAINTS

The Shift Commander/Supervisor at the time the complaint is made shall be responsible for the efficient receiving and complete recording of any complaint of police department employee misconduct made by a citizen in person or received by telephone. Dispatchers will not receive complaints. The utmost courtesy and cooperation should be extended to all citizens registering complaints or otherwise inquiring about complaint procedure.

This initial contact between a complaining citizen and police authorities is a most important stage in the complaint process as the complainant is often tense, angry, and emotionally upset, and the potential for hostility is great. The complainant should be taken to a private area—not dealt with over the counter with other employees present.

A person should not be denied an opportunity to register a complaint, nor should any such person be directed to return or call back later.

Every complaint report form shall be given an identifying number, so that the processing of complaints can be carefully monitored. This identifying number will be assigned by the Officer-in-Charge of Professional Standards.

Citizens making complaints in person should be asked to read over their completed complaint form, make any necessary corrections or additions, and sign the complaint.

If a complainant refuses to sign a complaint, a notation to that effect should be made on the complaint form.

Citizens making complaints by telephone should be informed that their signed complaint is requested; however, no telephone complaint should be refused or rejected because the complainant does not wish to sign a complaint form or because he or she does not wish to be identified.

Whenever a citizen reports misconduct by an employee of the police department, the supervisor receiving the complaint will complete NPD Form 1049, Supervisors First Report of Complaint, which will be forwarded by the end of each shift to the Officer-in-Charge of Professional Standards. This will be done regardless if the complainant has completed a Citizens' Complaint Form or has taken a form home to fill out and file later. The OIC/PSS will confirm that the complainant has received a Citizen Complaint Form NPD #1050 or will ensure that a complaint form is mailed to the complainant.



The Supervisors' First Report of Complaint Form 1049 will be completed by the receiving supervisor and signed by the complainant whenever a complaint is immediately resolved to the complainant's satisfaction. This form will then be forwarded to OIC/PSS. No complaint should be rejected solely because it is anonymous, as anonymous complaints can often be a valuable source of information and should be considered on their individual merits. Care must be taken, however, that the department employees are not subjected to unjust, frivolous, or capricious complaints.

## **COMPLAINTS RECEIVED BY MAIL**

If any employee of the department receives by mail a complaint of misconduct or mistreatment by a department employee, the complaint shall be forwarded to the supervisor or OIC/PSS who will ensure that the allegations are incorporated in a standard complaint form and the original communication attached thereto.

If the information so received is insufficient or incomplete, the complainant should be contacted, if possible, and informed of the department complaint procedure and any necessary additional information obtained.

## **INTERNAL COMPLAINTS**

Internal Complaints of misconduct against another employee shall be initiated by the preparation of a standard citizens complaint report form which may be submitted to the Shift Commander or the OIC/PSS.

## **COMPLAINTS BY PRISONERS**

Any prisoner who alleges misconduct or mistreatment by a department employee shall be advised by the Officer-in-Charge of the station of his/her right to submit a complaint report form in the usual manner and such complaints should be investigated and processed in the same manner as other citizen complaints.

## **COMPLAINTS FROM GOVERNMENTAL AGENCIES**

When information is received or obtained from other governmental agencies alleging specific acts of misconduct against a department employee, the information shall be recorded on a standard citizens complaint report form, forwarded to the OIC/PSS, and an investigation initiated in the usual manner.

## **STREET COMPLAINTS**

If an officer on the street is approached by a citizen regarding a complaint of alleged misconduct against an employee of the police department, the officer shall contact the Patrol Supervisor on duty to respond to the scene and take the complaint. If there is no Patrol Supervisor available to respond to the scene, the

officer shall request the complainant's name and address and telephone number, then inform such person that his or her complaint should be directed to the Shift Commander/Supervisor at the station.

## **INVESTIGATIVE PROCEDURES**

### *Categories of Complaints:*

The department has established guidelines regarding which categories of complaints will be handled and investigated by the Professional Standards Section and which by a Shift Supervisor as a part of routine discipline. The criteria for determining the categories of complaints to be investigated by Professional Standards include, but are not limited to, allegations of:

- corruption;
- brutality;
- use of excessive force;
- violation of civil rights; and
- criminal misconduct.

Criteria for the assignment of an investigation to a Shift Supervisor may include such offenses as:

- rudeness;
- tardiness;
- insubordination;
- nonfeasance;
- malfeasance;
- procedure violations

## **IMMEDIATE RESOLUTION OF A COMPLAINT**

In some cases, a complaint can be resolved to the complainant's satisfaction by the Officer-in-Charge of the station. The Shift Commander should report the facts in writing on the Supervisors' First Report of Complaint, NPD Form #1049, and the accepted resolution should be acknowledged by the complainant by signing the completed report.

This immediate resolution can often be accomplished if the incident is clearly not of a serious nature or arises from misunderstanding or lack of knowledge of the law or of the limitation of a police officer's authority. Under no circumstances, however, will a justifiable complaint be refused, delayed, or otherwise rejected in this manner.

## INVESTIGATION OF COMPLAINTS

Any Professional Standards investigation must be commenced immediately upon receipt of the complaint and must be completed within thirty (30) days (unless extenuating circumstances exist).

If circumstances preclude completion, the investigator will file a report of the investigation conducted to date, what remains to be completed, and the expected completion date. The Officer-in-Charge of Professional Standards shall approve an extension of a specified period of time and notify the employee of such change. The Police Chief will also be notified of those circumstances along with a complete report of the investigation to date.

In addition to the employee, the Officer-in-Charge of the internal investigation shall notify the complainant in writing of the results of the internal investigation within thirty (30) days, if completed, or any extension of the investigation.

Finally, the Officer-in-Charge of Professional Standards investigations shall be responsible for providing the Chief of Police with a status report on the progress of any ongoing investigation every seven days.

The Officer-in-Charge of Professional Standards shall be responsible for coordinating Professional Standards investigations and shall report directly to the Chief of Police.

If the substance of proven complaint would be of grave nature or is an accusation of a crime and immediate action is deemed necessary, the Chief or the Superior Officer designated by the Chief (OIC/PSS) shall be notified forthwith in order that an investigation can be initiated without delay.

Before a department employee is questioned or directed to submit a report regarding a complaint, such employee may be issued, at the sole discretion of the O.I.C. of Professional Standards, either the actual complaint or a written summary prepared by him/her which details the allegations contained in the complaint.

An internal administrative investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is reasonably and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or reflects discredit on the department.

**Criminal Proceedings:** If it is determined, after a preliminary investigation, that allegations against a department employee could result in a criminal prosecution, the accused employee must be granted all applicable constitutional and statutory rights.



Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee who is under arrest or who is the target of a criminal investigation shall be afforded all applicable constitutional rights, including the right to be represented by counsel.

If this procedure is followed, any voluntary statement made thereafter could be admissible in criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.

A department employee who is being questioned about alleged personal involvement in criminal activity which could result in a criminal prosecution cannot be discharged or otherwise penalized solely for invoking the right to remain silent as guaranteed by the Fifth Amendment, or for refusing to sign a waiver of immunity. An employee who has received the appropriate immunity may be compelled to answer questions narrowly drawn to the incident being investigated and related to his/her on or off duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.

### **Departmental Disciplinary Action**

If it is determined as a result of a preliminary investigation, that allegations made against a department employee could result in departmental disciplinary action, the accused employee is entitled to a fair and objective investigation and resolution of the charges made.

All department employees being questioned by an investigating officer must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct that affects their fitness or ability to remain in the police service. Any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, including dismissal from the department.

The official conducting the interrogation must, at the time of the interrogation, specify to the employee being questioned the precise repercussions (i.e., suspension, discharge, or other form of discipline) that will result if the officer fails to respond.

When a department employee is compelled under threat of sanctions to submit a report or to answer questions, that employee receives transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.

The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires "transactional" immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his/her



employment. Transactional immunity grants "immunity from prosecution for offenses to which compelled testimony relates."<sup>1</sup>

If the questions specifically, directly, and narrowly relate to the employee's performance of official duties or his/her off-duty conduct which affects the fitness or ability to remain in the police service, and if such employee is informed that he/she will receive transactional immunity from criminal prosecution, he/she must answer or face disciplinary action, including dismissal from the department for refusing to answer such questions.

No double jeopardy exists when a department employee is found guilty in court of criminal charges and is then found guilty of departmental charges after disciplinary hearing, as the department charges are administrative in nature and can be sustained by a "preponderance of the evidence" rather than the criminal court standard of "beyond a reasonable doubt." Departmental charges are separate and distinct from criminal charges and may be brought before, during, or after any criminal prosecution arising out of the same circumstances.

A request by an employee who is the subject of an internal investigation for an attorney or an employee representative to be present will be granted if the investigation is not thereby unduly delayed.

Any interview or questioning should not be prolonged without reasonable rest periods and the opportunity for meals and such other personal necessities as are reasonably required. A department employee shall not be harassed or threatened during this period of questioning.

In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods, consistent with legal requirements and necessary concern for the individual rights of the accused employee, should be employed.

## **ADMINISTRATIVE INVESTIGATIONS**

An administrative investigation should be conducted with the same degree of professional competence as is devoted to a criminal investigation. An employee reasonably suspected of being unfit for duty by reason of alcohol abuse will be requested to take a breathalyzer examination. Upon probable cause as determined by the OIC or another Superior Officer, and on orders of the Chief of Police or his designee, an employee may be required to submit to a medical or laboratory examination to test for drugs and/or alcohol, at the department's expense. This examination must be specifically directed and narrowly related to a particular Professional Standards investigation being conducted by the department.

An employee may also be required to be photographed and may be compelled to stand in a lineup for identification in connection with an administrative investigation, and a refusal may be the basis for an additional

disciplinary charge of refusal to obey a lawful order. Such a lineup should be fairly constructed and not unfairly suggestive and should not be used for an administrative investigation where criminal charges are contemplated.

An employee's personal property, including his home, car and other property, is protected from unreasonable search and seizure under both the United States and the Massachusetts Constitutions, and any evidence illegally obtained may not be used as evidence in an administrative proceeding.<sup>2</sup>

Department property furnished to the employee such as desks, lockers, vehicles and computers remains department property at all times and an officer has "no expectation of privacy" in these areas which may be searched at any time without a warrant and without prior notice to employees. Lockers will not be searched randomly.

Under the provisions of M.G.L. c.149, s. 19B, police officers may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, officers may face disciplinary action for refusal.<sup>3</sup>

Formal complaint interviews with an employee in all internal investigations conducted by the office of Professional Standards may be recorded mechanically or by a qualified stenographer, at the discretion of the Chief or the Officer-in-Charge of Professional Standards. No recording by the employee or his/her agent will be allowed during investigatory interviews, unless authorized by the Chief or the Officer-in-Charge of Professional Standards.

**Withdrawn Complaints:** If during the process of an internal investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant.

Even though a complaint is withdrawn, a full report of the investigation to date should be prepared for the Chief and his approval obtained for the termination of the investigation.

Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his complaint, is specifically prohibited and will be treated most severely.

## **REPORT OF INVESTIGATION**

At the conclusion of the investigation, a full written report shall be prepared for submission to the Chief, which shall include the following:

1. the original complaint form;
2. any additional statements taken from the complainant or statements obtained from witnesses;
3. any statements made or reports submitted by the employee under investigation;
4. a summary of all evidence gathered;
5. any mitigating circumstances;
6. an evaluation of the complaint and a definitive statement as to whether the charges made by complainant were:

*Unfounded:* The allegation is false.

*Exonerated:* The incident occurred, but the officer's actions were lawful and proper.

*Not Sustained:* There is insufficient evidence to either prove or disprove the allegation.

*Sustained:* The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

The Officer-in-Charge of Professional Standards Investigations shall ensure that all records and reports of such investigations are maintained in a secure area in order to ensure confidentiality.

Upon receipt of the report of investigation, the Chief may take further action as is necessary based upon findings in the particular case.

Every person who has filed a complaint against an employee shall be notified promptly as to the final results of the investigation by mail.

If a disciplinary hearing is deemed necessary, the complainant shall be notified that his/her testimony will be required at that time. If the department employee is cleared of the charges made, he or she shall be officially exonerated in writing.

## **CONFIDENTIALITY OF PROFESSIONAL STANDARDS**

In order to ensure that the individual rights of officers who are the subject of a Professional Standards investigation are protected, all materials relevant to that investigation shall be kept strictly confidential and under lock and key by the Officer-in-Charge of Professional Standards. No statement regarding the substance of a Professional Standards Investigation will be made or issued to the media unless the charges have been sustained or exonerated and action has been taken or initiated against the officer or employee.

## **LIAISON WITH DISTRICT ATTORNEY**

Any Professional Standards Investigation which may or does result in criminal charges being brought against an officer shall require the District Attorney's Office to be apprised of the case for the purpose of advising on legal



issues and ultimate prosecution, if necessary. Contact shall be made by the Officer-in-Charge of the Professional Standards Section.

## INVESTIGATIVE FILES

A complete file of records on the investigation of all citizen and internal complaints shall be kept in the office of the Officer-in-Charge of Professional Standards. These files shall contain supporting investigative information, i.e. tape recorded interviews, photos, etc. taken during the investigation. These files shall be treated as confidential investigative files.

A copy of the completed investigation summary should be kept in a summary file in the office of the Chief of Police and will be the only source of public information about citizen complaints, other than the statistical log which will be prepared and published annually by the Chief of Police.

## ANNUAL REPORT

The Chief of Police will publish, in the department's Annual Report, a summary of complaint statistics (both citizen complaints and internal complaints), indicating the number of complaints filed (by type of complaint), and the outcome of the investigation undertaken (by outcome classification). In addition, the Annual Report should outline the procedures the public may follow in filing a complaint.

Per order-



Dennis R. Mannix  
Chief of Police

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<sup>1</sup> Carney v Springfield, 403 Mass. 604, 532 N.E.2d 631 (1988)

<sup>2</sup> Board of Selectmen of Framingham v Municipal Ct. of City of Boston, 373 Mass. 783, 369 N.E. 2d 1145 (1977)

<sup>3</sup> M.G.L. C.149, §19B







Natick Police Department  
20 East. Central Street  
Natick, MA 01760  
(508) 647-9500

*sent Page*

## Supervisor's First Report of Complaint

Date \_\_\_\_\_ Supervisor Receiving Report \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Name of Victim (if different) \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Summary of Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Relative to Incident # \_\_\_\_\_

Employee(s) Involved: \_\_\_\_\_  
(If Known)

\_\_\_\_\_

\_\_\_\_\_

Check one that applies

☐ NPD Complaint Form completed and attached to this report.

☐ NPD Complaint Form given to complainant to be returned (date) \_\_\_\_\_

☐ After explanation of police policy and tactics complainant is satisfied and **wishes to withdraw the complaint.** (Complainant must sign line below indicating acceptance).

Complainant satisfied with explanation: \_\_\_\_\_ (Date) \_\_\_\_\_



# NATICK POLICE DEPARTMENT

## CITIZENS COMPLAINT FORM

[illegible]

**COPY DISTRIBUTION:**

WHITE - Chief of Police

**YELLOW – Internal Affairs**

**PINK – Officer**

**GOLDENROD - Complainant**

APP060





**TOWN OF NATICK**  
NATICK, MASSACHUSETTS 01760



**POLICE DEPARTMENT**  
*James G. Hicks, Chief of Police*

20 East Central Street  
Natick, MA 01760  
Phone: 508-647-9511  
Fax: 508-647-9509

**Harassment and Sexual Harassment Policy Review**

Attached is a copy of the Town of Natick Harassment and Sexual Harassment Policy. Read and review the policy in its entirety.

Upon reading and reviewing answer the following:

- 1) Do you have any questions on or about this policy? no
- 2) Are you aware of this department's commitment to a Harassment Free Workplace? yes
- 3) Are you aware of any current practice within this organization in violation of this policy? no
- 4) Do you know who to file a complaint of harassment with? yes

I have read and reviewed the Town of Natick Harassment and Sexual Harassment Policy and understand my rights and responsibilities under this policy.

Carmen Ross  
Employee Name

Carmen Ross  
Print Name

1/21/10  
Date

TOWN OF NATICK  
NATICK, MASSACHUSETTS 01760



**POLICE DEPARTMENT**  
*James G. Hicks, Chief of Police*

20 East Central Street  
Natick, MA 01760  
Phone: 508-647-9511  
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- 3) Are you aware of any current practice within this organization in violation of this policy? no
- 4) Do you know who to file a complaint of harassment with? yes

I have read and reviewed the Town of Natick Harassment and Sexual Harassment Policy and understand my rights and responsibilities under this policy.

*Justin D. Grief*  
Employee Name

1/5/20  
Date

Allen W. Graham, Jr  
Print Name